

REMARKS:

Regarding the election/restriction requirement, applicant has cancelled claims 1, 3 and 5.

It is respectfully requested that the examiner reconsider the placing of claims 2 and 4 in separate groups.

Specifically, applicant notes that claims 2 and 4 differ only in the location of the test compound, that is, whether it is placed in the first flowable fluid or in the second flowable fluid; in either case however, the device is the same and the method itself is the same (flow across the membrane is measured). It is just a question of whether the test compound is presented to the 'inside' surface (interior of the cell) of the membrane or the 'outside' surface (exterior of the cell) of the membrane. Yet further, as the examiner will appreciate, depending on how the membrane is mounted onto the opening, the interior or exterior surface of the membrane can be exposed to the first flowable fluid. Accordingly, it is believed that these two claims represent a single inventive concept but are expressed as separate claims for clarity.

In the event that the examiner does not agree, applicant elects Group II (claim 2) for further examination at this time.

The cancellation of some claims is done without prejudice and applicant reserves the right to pursue these or similar claims in one or more continuing, continuation-in-part, and/or divisional applications.

We look forward to receipt of the first office action for the above-referenced application.

Respectfully submitted

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Enc.()
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